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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

JUNE M. DOMINO,

Plaintiff,

v.

**CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION, et
al.,**

Defendants.

1:19-cv-01790-JLT-SKO

**JOINT STIPULATION REQUESTING
MODIFICATION OF SCHEDULING
ORDER; ORDER**

[Fed. R. Civ. P. 6(b)(4)]

Judge: The Honorable Jennifer L.
Thurston

Trial Date: December 3, 2024

Action Filed: December 23, 2019

**TO THE HONORABLE JENNIFER L. THURSTON, UNITED STATES DISTRICT
COURT JUDGE:**

On February 17, 2023, the Court issued the Scheduling Order in this case. (ECF No. 78.)
The Scheduling Order set forth the following cut-off dates for discovery: Initial Disclosures –
March 20, 2023; Non-Expert Discovery – March 29, 2024; Expert Disclosures: April 3, 2024;
Rebuttal Expert Disclosures – April 17, 2024; and Expert Discovery – April 26, 2024. (*Id.*) The
Scheduling Order also set forth the following cut-off dates for law and motion: Non-Dispositive

1 Motions – filed by May 10, 2024 and heard on June 26, 2024; and Dispositive Motions – filed by
2 June 28, 2024 and heard on August 5, 2024. (*Id.*)

3 At the time the parties filed their joint scheduling report (ECF No. 75), Defendant
4 California Department of Corrections and Rehabilitation, et al. (“CDCR”) was represented by
5 different counsel. (Declaration of Lykisha D. Beasley, ¶ 2.) Although Deputy Attorney General
6 Beasley is now the third different attorney assigned to this case, Defendant intends to continue
7 litigating this matter fully and in good faith and, prior to now, has not sought leave of the Court to
8 deviated from its Scheduling Order for any purpose. However, based on the information and joint
9 stipulation below, Defendant respectfully requests that the Court modify the Scheduling Order, by
10 extending the discovery and law and motion deadlines by 40 days. A 40-day extension will allow
11 Defendant to grant Plaintiff Domino’s request to extend the due date of her discovery responses
12 to Defendant without causing Defendant undue prejudice with respect to its ability to meet and
13 confer with Plaintiff regarding any disputed precipitated by her responses as well as conduct
14 expert discovery and prepare any law and motion that may be necessary. (Declaration of Lykisha
15 D. Beasley, ¶¶ 5, 6, 7.)

16 WHEREAS, on March 13, 2024, Plaintiff’s counsel requested a two-week extension of the
17 due date of her written discovery responses to Defendant, making the new due date April 8, 2024
18 (rather than March 25, 2024) – a date that falls beyond the non-expert discovery cut-off;

19 WHEREAS, after careful consideration of Plaintiff’s request, the Parties agree that
20 extending the time for Plaintiff to prepare meaningful responses to the written discovery
21 propounded by Defendant is for good cause and in the interest of justice for both parties;

22 WHEREAS, the Parties are also meeting and conferring regarding Plaintiff’s ability attend
23 her deposition, which is set for March 20, 2024, but will likely need to be rescheduled in light of
24 travel considerations (Declaration of Lykisha D. Beasley, ¶ 6.); and

25 WHEREAS, the Parties agree that they intend to continue working diligently so as to not
26 disturb the Pre-Trial Conference date of September 30, 2024 and the Trial date of December 3,
27 2024 set by the Court in the Scheduling Order;

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IT IS HEREBY STIPULATED:

Plaintiff and Defendant, by and through their respective attorneys of record, have agreed to and, hereby do, request the following date modifications to the cut-off dates for discovery and law and motion:

EVENT	[PROPOSED] NEW DEADLINE
Non-Expert Discovery	May 8, 2024
Expert Disclosures	May 13, 2024
Rebuttal Expert Disclosures	May 27, 2024
Expert Discovery	June 5, 2024
Non-Dispositive Motions	Filed: June 19, 2024; Heard: August 5, 2024
Dispositive Motions	Filed: August 7, 2024; Heard: September 16, 2024

Dated: March 21, 2024

Willoughby & Associates

By /s/ Anthony W. Willoughby II

Anthony W. Willoughby II

Attorneys for Plaintiff

June M. Domino

Dated: March 21, 2024

Office of the Attorney General

By /s/ Lykisha D. Beasley

Lykisha D. Beasley, Deputy Attorney General

Attorneys for Defendant

California Department of

Corrections and Rehabilitation

ORDER

The Court having reviewed the foregoing Joint Stipulation (Doc. 80) and good cause appearing, **IT IS HEREBY ORDERED** that the Scheduling Order (Doc. 78) shall be modified to reflect the following new deadlines:¹

	Current Deadline	New Deadline
Non-Expert Discovery	March 29, 2024	May 8, 2024
Expert Disclosures	April 3, 2024	May 13, 2024
Rebuttal Expert Disclosures	April 17, 2024	May 27, 2024
Expert Discovery	April 26, 2024	June 5, 2024
Non-Dispositive Motion	Filing: May 10, 2024 Hearing: June 26, 2024	Filed: June 19, 2024 Heard: August 5, 2024
Dispositive Motion	Filed: June 28, 2024 Heard: August 5, 2024	Filed: August 7, 2024 Heard: September 16, 2024
Pre-Trial Conference	September 30, 2024, at 1:30 PM	November 25, 2024, at 1:30 PM
Trial	December 3, 2024, at 8:30 AM	January 21, 2025, at 8:30 AM

IT IS SO ORDERED.

Dated: **March 28, 2024**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ The Court sua sponte continues the Pretrial Conference and Trial dates to allow the assigned district judge time to rule on any dispositive motions and to allow the parties time to prepare for trial.

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